

FAX TRANSMISSION**DATE:** January 23, 2004**PTO IDENTIFIER:** Application Number 09/854,179
Patent Number**Inventor:** John P. Erspamer**MESSAGE TO:** N. Patel**FAX NUMBER:** (703) -746-7711**FROM:** DARBY & DARBY P.C.
Kristin Behrendt Kosinski**PHONE:** (212) 527-7788**Attorney Dkt. #:** 01313/100G996-US2**PAGES (Including Cover Sheet):** 6**CONTENTS:** Interview Request (4 pages) and
Certificate of Transmission under 37 CFR 1.8 (1 page).

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Interview Request (4 pages)
Fax Transmission (1 page) and
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Applicant Initiated Interview Request Form

Application No.: 09/854,179 First Named Applicant: John P. Erspamer
Examiner: N. Patel Art Unit: 3761 Status of Application: Published

Tentative Participants:

(1) Kristin Behrendt (45,599) (2) _____
(3) _____ (4) _____

Proposed Date of Interview: January 27, 2004 Proposed Time: 11:00 ☒ AM ☐ PM

Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☒ Continuation Sheet Attached

Brief Description of Arguments to be Presented:

See attached sheet.

An interview was conducted on the above-identified application on _____.

NOTE:

This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP §713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Kristin Behrendt Korman

(Applicant/Applicant's Representative Signature)

(Examiner/SPE Signature)

Applicant Initiated Interview Request Form - Continuation Sheet**Application No.: 09/854,179****Examiner N. Patel, Art Unit 3743****Prior Art Rejections To Be Discussed:**

- I. Claims 1-9, 24-29, 31, 33, 34, 44, and 45 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoey (U.S. Patent No. 4,000,028) in view of Lariviere (U.S. Patent No. 6,515,195).
- II. Claims 10-12 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoey in view of VanGompel (U.S. Patent no. 6,132,410).
- III. Claims 13-15 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoey in view of Ferguson (U.S. Patent No. 4,341,217).
- IV. Claim 16 remains rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoey in view of Lasko (U.S. Patent No. 6,277,104).
- V. Claims 17-20 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoey in view of Keuhn (U.S. Patent no. 6,238,379).
- VI. Claim 36 remains rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoey in view of Lubnin (U.S. Patent No. 6,020,438).
- VII. Claim 37 remains rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoey in view of Chen (U.S. Patent No. 6,486,379).
- VIII. Claims 38-39 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoey in view of Yong (WO 92/11655A2).
- IX. Claims 21-23, 46 and 47 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoey in view of Roslansky (U.S. Patent No. 6,371,950).
- X. Claim 40 remains rejected under 35 U.S.C. § 103(a) as being unpatentable over Lubnin in view of Paul (U.S. Patent No. 6,503,525).
- XI. Claim 48 remains rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoey in view of Roe (U.S. Patent No. 6,384,296).
- XII. Claim 49 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoey in view of Graef (U.S. Patent No. 6,525,240).
- XIII. Claim 50 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoey in view of Shirayanagi (U.S. Patent No. 5,366,792).
- XIV. Claim 41 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoey in view of Graef II (U.S. Patent Application Publication No. 2002/0007169).
- XV. Claim 42 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoey in view of Woon (U.S. Patent Application Publication No. 2002/0019614).

Applicants Assertions in Response to Prior Art Rejections:

In the last Response Applicant responded to the prior art rejections in two ways, that is (1) pointing out the key aspects of the application and (2) by traversing the substance of the rejections.

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Regarding the aspects of the application, Applicant asserted that the claims 1 and 29 set forth a highly breathable unitary absorbent core comprising a fibrous absorbent layer having a "lower surface with a hydrophobic vapor-transmissive moisture barrier integral with the lower surface of the absorbent layer" (emphasis added). Claims 46 and 47 recite a breathable material having a surface with a hydrophobic vapor-transmissive moisture barrier integral therewith" (emphasis added). Furthermore, the presently claimed unitary absorbent core is "constructed by assembling the strata in a continuous manner in a series of unit operations" (§0047). In contrast to the prior art, "[t]he strata of the unitary structure is not an assembly or laminate of preformed layers or plies which are assembled on a converting line " (§0047).

Applicant requests the interview as it may serve to develop and clarify specific issues of the presently claimed invention highlighted above, and to lead to a mutual understanding between the examiner and the applicant, and thereby advance the prosecution of the application.

Regarding Applicant's arguments traversing the substance of the prior art rejections, the Examiner has not adequately responded. Application therefore requests that the Examiner respond to the arguments or withdraw the rejections. For the Examiner's convenience, some of these arguments are summarized below.

With regard to the rejections of claims 1-9, 24-29, 31, 33, 34, 44, and 45 as obvious over Hoey in view of Lariviere, it is the Examiner's position that Hoey discloses a hydrophobic vapor-transmissive moisture barrier integral with the lower surface of the absorbent layer (see col. 12, lines 10-20, and figures 1 through 4). Lariviere is supplied to teach the insufficiencies of Hoey, such as (1) a unitary absorbent core having a basis weight of about 75 gsm or greater, (2) an absorbent layer comprising natural fibers, synthetic fibers, or a mixture thereof, (3) an absorbent core comprising from about 5 to about 90% by weight of super-absorbent polymer (SAP), (4) a core density of from about 0.03 to about 0.7g/cc and 0.04 to about 0.3g/cc, (5) a moisture barrier having a structure with fibers coated with hydrophobic material, and (6) an absorbent core comprising a microporous backsheet. The Examiner concludes that it would have been obvious to a person skilled in the art to include the elements of Lariviere in the pad of Hoey. However, Applicants disagree with the Examiner.

Applicants respectfully assert that Hoey does not disclose a "hydrophobic vapor-transmissive moisture barrier integral with the lower surface of the absorbent layer" as presently claimed. Hoey in col. 12, lines 10-20 discloses useful absorbent materials that are an "element of the pad" (col. 12, line 4). The elements of the pad of Hoey are "a top layer of a crushed polymer latex foam bonded to either a non-woven which is bonded to an absorbent layer or bonded directly to the absorbent layer, and which in turn is bonded to either a flexible, liquid impermeable bottom layer" (col. 1, lines 8-13). Figures 1-4 depict a pad having elements or layers that are bonded together (see, *inter alia*, Abstract, and col. 1, lines 8-20). Applicant also disagrees with the characterization of the "moisture barrier" of Lariviere. The "moisture barrier" of Lariviere that substantially includes fibers coated with hydrophobic

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material refers to the cover layer of the sanitary napkin (Lariviere, col. 4, lines 45-50). By contrast, claims 1 and 29 include "a hydrophobic vapor-transmissive moisture barrier integral with the lower surface of the absorbent layer," so designed to *stop* liquid from flowing out of the unitary absorbent core while still allowing breathability. Accordingly, the bonded layers of Hoey, in addition to the six features of Lariviere (at least one of which does not describe the presently claimed invention) do not teach one skilled in the art to combine these references, and even when so combined, the references would still not anticipate these claims.

Applicant therefore requests the Examiner respond to this argument regarding claims 1-9, 24, 25-29, 31, 33, 34, 44, and 45 in view of the summary of the invention and the features of Hoey and Lariviere, or withdraw the rejection.

Regarding the remaining 14 rejections, the examiner merely cites case law regarding obviousness, and has not pointed out a motivation to combine the references of each of the rejections. Applicant respectfully requests the Examiner to reconsider applicant's responses to the rejection in view of the summary of the invention, and respond to the arguments, or withdraw the rejections.

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